



**CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD.**

Patents, Trademarks & Copyrights

12th Floor - Seven Penn Center

1635 Market Street

Philadelphia, PA 19103-2212

(215) 567-2010

Fax : (215) 751-1142

Sender's e-mail: dmtener@crbcp.com

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**GROUP 1600**

**CONFIDENTIAL**

Alan H. Bernstein  
Stanley H. Cohen  
Manny D. Pokotilow  
Barry A. Stein  
Martin L. Faigus  
Eric S. Marzluf  
Robert S. Silver  
Michael J. Berkowitz  
Scott M. Slomawitz\*  
Mona Gupta

David M. Tener  
Salvatore R. Guerriero\*  
James J. Kozuch  
William J. Castillo†  
Frank M. Linguiti  
Gary A. Greene  
Michael J. Cornelison  
Bruce J. Chasan  
Marina E. Volin

A.D. Caesar  
(1901-1995)  
Charles W. Rivise  
(1900-1951)  
Counsel  
Allan H. Fried  
Of Counsel  
Max Goldman\*

\* Also admitted to practice in NJ  
† Admitted only in NJ and NY

## FACSIMILE TRANSMITTAL SHEET

December 4, 2002

TO: United States Patent and Trademark Office  
ATTN: EXAMINER S. CHUNDURU  
FACSIMILE NO.: (703) 305-3014  
FROM: David M. Tener, Esq.  
NO. OF PAGES: 9 (Including Cover)

Group Art Unit : 1637

Our Reference No.: E1047/20056

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### COMMENTS:

**Applicant(s):** Glen H. ERIKSON et al.

**Serial No.:** 09/885,731

**Group Art Unit:** 1637

**Filed:** June 20, 2001

**Examiner:** S. CHUNDURU

**Att. Docket No.:** E1047/20056

**Confirmation No.:** 6800

**For:** NUCLEIC ACID MULTIPLEX FORMATION

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

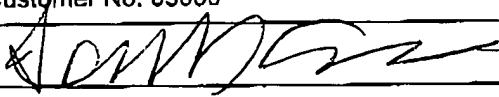
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> <p style="text-align: center;">6 with 61 Total Number of Pages In This Submission attachments</p>	Application Number	09/885,731	
	Filing Date	June 20, 2001	
	First Named Inventor	Glen H. ERIKSON	
	Group Art Unit		
	Examiner Name		
		Attorney Docket Number	E1047/20056

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Form 1449/VPTO with 61 attachments. - Return Receipt Postcard.
Remarks The Office is authorized to charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. Customer No. 03000
Signature	
Date	November 1, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>November 1, 2001</u>			
Typed or printed name	David M. Tener, Reg. No. 37,054		
Signature		Date	November 1, 2001

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION**

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/885,731

Group Art Unit: 1637

Filed: June 20, 2001

Examiner: S. Chunduru

Att. Docket No.: E1047/20056

Confirmation No.: 6800

For: NUCLEIC ACID MULTIPLEX FORMATION

**REQUEST FOR CONSIDERATION OF IDS  
AND REMAILING OF OFFICE ACTION**Commissioner for Patents  
Washington, DC 20231

Sir:

An Office Action in the above-identified application was mailed from the PTO on November 6, 2002. The Office Action at Paragraph 1 purports to make record consideration of an Information Disclosure Statement (IDS) filed "December 7, 2002". Assuming that this refers to the IDS received by the PTO December 7, 2001 (mailed November 1, 2001 with a certificate of mailing) initialed copies of the Forms PTO-1449 attached to that IDS were not included with the Office Action. The initialed Form PTO-1449 attached to the Office Action belongs to an IDS filed April 18, 2002. The initialed Form PTO-1449 constitutes acknowledgment of record consideration of the April 18, 2002 IDS.

In view of the foregoing information, it is unclear whether the Examiner considered the November 1, 2001 IDS or mistakenly identified the April 18, 2002 IDS as being the November 1, 2001 IDS. In any event, the Examiner has not acknowledged consideration of a third IDS filed April 5, 2002.

Copies of the corresponding date-stamped postcard receipts are attached. The IDSs were filed with Certificates of Mailing, as evidenced by the attached copies of the respective Transmittal Forms (complete courtesy copies of the IDSs are available upon request), and should have been considered by the Examiner in

Application No. 09/885,731

preparing the Office Action. Accordingly, Applicants respectfully request the Examiner to withdraw the Office Action, review all of the IDSs and issue a new Office Action making record consideration of the references cited in all the IDSs.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOV, LTD.

December 4, 2002

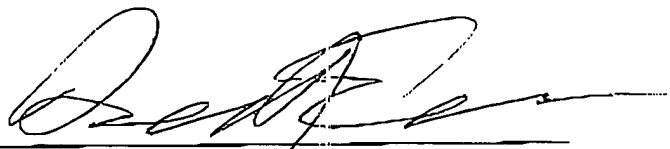
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By 

David M. Tener  
Registration No. 37,054  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence re Application No. 09/885,731 is being transmitted via facsimile to Examiner S. Chunduru of Group Art Unit 1637 of the United States Patent and Trademark Office at (703) 305-3014 on this 4th day of December, 2002.

  
David M. Tener, Reg. No. 37,054

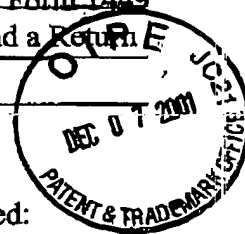
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Serial No. : 09/885,731  
For : NUCLEIC ACID MULTIPLEX FORMATION  
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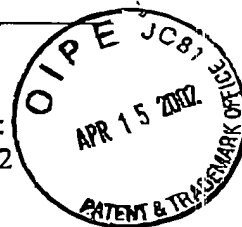
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Applicant : Glen H. ERIKSON et al.  
Serial No. : 09/885,731  
For : NUCLEIC ACID MULTIPLEX FORMATION  
Filed : June 20, 2001 Group Art :  
Examiner : Confirmation No. : 6800

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